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SUBJECT: CASSATION CHAMBER AFFIRMS DISQUALIFICATION OF
MUTLAQ: CAMPAIGN OFFICIALLY OPENS

Classified By: Political Minister Counselor Gary A. Grappo, for reasons
1.4 b and d.

¶1. (C) SUMMARY: The official start of the Iraqi electoral campaign kicked off February 12 amid reports that the Cassation Chamber has issued decisions affirming the disqualifications of prominent Sunni politicians Saleh al-Mutlaq and Dhafer al-Ani. No official notification has been received by IHEC but commissioners are convinced that the reports are accurate and believe that notification is imminent. Commissioners were unsure about the precise number of candidates the judicial panel had order reinstated. Mutlaq is reported to be "very disturbed" by the decision although as yet undecided about how to proceed. We have not heard any calls for a boycott. The Iraqiyya coalition offered a preliminary statement on its website, stating that the decision "raises doubts about the integrity of the elections." Iraqiyya head Iyad Allawi told the Ambassador February 11 that affirmation of the Mutlaq disqualification was expected. Preliminary PRT reported a scratchy start to campaigning in Kirkuk and an ambitious State of Law initial campaigning in Wasit and al-Kut. END SUMMARY.

MUTLAQ LOSES HIS APPEAL; OUT OF THE RACE

¶2. (C) IHEC Commissioner Judge Qasim al-Aboudi told Dep Pol/C February 12 that IHEC had not received official notification of the Cassation Chamber's decisions. But he said he could confirm "unofficially" that the appeals of Sunni politicians Saleh al-Mutlaq and Dhafer al-Ani -- disqualified by the Accountability and Justice Commission as subject to de-Ba'athification -- have been rejected definitively by the judicial panel. He cited "good sources" who would know the reality (presumably on the Accountability and Justice Commission).

HOW MANY HAVE BEEN REINSTATED?

¶3. (C) There is conflicting information about how many candidates will be reinstated as a result of the Cassation Chamber's decisions. Aboudi said that the judicial panel had reinstated some 10 candidates. Fellow IHEC Commissioner Amal Bayraktar said she had heard the number reinstated would be 32. According to Bayraktar, IHEC would receive two letters, one citing AJC instructions to reinstate 28 candidates and another citing instructions directly from the Cassation Chamber, for the reinstatement of four additional candidates. (AFP reported that 28 candidates would be reinstated.) Until IHEC is officially notified, those numbers will remain uncertain.

¶4. (C) The judicial panel reviewed 100 cases in reaching these decisions, said Aboudi. It has about 80-odd cases left to review, if one includes the ten new appeals received in the past week, he noted. According to Aboudi, the panel had made a huge mistake in its initial decision calling for a postponement of the vetting. He underscored that in his

opinion there was very strong evidence of Ba'athist involvement by these candidates, which the judicial panel was not able to ignore.

MUTLAQ'S REACTION

15. (C) Mutlaq is reportedly "very disturbed" by the decision, according to Turkish DCM Sencer Yondem and his deputy, who saw him this morning. The Turks reported that Mutlaq was still formulating his response but they expressed concern about "how to control him" and limit the damage he could do. Mutlaq told Yondem that he was not supporting a call for a boycott at this time but could not guarantee what his supporters or others might do. Yondem said they had counseled him against any boycott but added that the Turks Qcounseled him against any boycott but added that the Turks were worried that the de-Ba'athification controversy could suppress Sunni voter turnout. Mutlaq railed that the Iranians had "done this to him," said Yondem. He also expressed concern that he might face arrest after his parliamentary immunity expires.

IRAQIYYA RESPONDS

16. (C) The head of the Iraqiyya coalition, Iyad Allawi, acknowledged to the Ambassador February that he anticipated Mutlaq's disqualification but would counsel Mutlaq against reacting strongly. Jamal al-Batikh (Iraqiyya bloc leader) told poloff February 12 that Iraqiyya views the Cassation Chamber's decision as proof that "Iran is trying to reassert its influence in Iraq." He said the coalition will meet the night of February 12 or on February 13 to draft its official

reaction to the news that very few of its candidates had been reinstated. He added that the leadership at Iraqiyya was still trying to figure out which of the coalition's candidates had won their appeals.

17. (C) Dr. Nada Mohammed Ibrahim, an Iraqiyya political ally of Mutlaq told poloff that as of late afternoon there had been no official notification to Mutlaq, although she did not question the reliability of the reports. She expressed extreme discouragement at the whole process, asking rhetorically "Why even participate, if they can do this?" She expressed fear that if she spoke out publicly to criticize the process she could be targeted either politically or face violence.

18. Iraqiyya posted preliminary statement on its website, that included the following remarks:

-- "The Iraqi street lost its hope of building a democracy based on national interests, when the Cassation Chamber went back on its first decision and issued its second decision to wrap up the appeals of those contesting the de-Ba'athification This raises doubts about the integrity of the elections.

-- "Pressure and interference on the Cassation Chamber came from neighboring countries, and one of these supported the AJC's procedures.

-- "Iraqiyya List emphasizes that the political escalation accompanying the AJC and Cassation Chamber does not seek to address the big problems that face Iraqis, like the absence of services or security problems, corruption of state organs, and lack of employment."

19. (C) PRT reporting noted the following aspects to the campaign kickoff:

-- The campaign in Kirkuk got off to a rocky start, with several political parties reporting that Kurdish parties had strung up flags around the city and several parties were vandalizing campaign posters. An Iraqi Police senior commander reported that he was hearing threats that armed

Goran supporters were planning to march in neighborhood controlled by the PUK.

-- No disturbances were reported in Wasit. State of Law coalition got off the mark the fastest with its campaign in al-Kut, plastering storefronts and walls with pro-Maliki posters and photos of the PM. Some ISCI and Sadrist materials were also visible.

HILL